

REMARKS

This application has been reviewed in light of the Office Action dated May 17, 2005. Claims 1-14 are presented for examination. Claims 1, 8, 10, and 12-14, which are the independent claims, have been amended as discussed below. Dependent claims 2-7 and 11 have been amended as to matters of form, in a manner not believed to narrow the scope of these claims. Favorable reconsideration is requested.

Applicants note with appreciation the indication that Claim 8, 12, and 14 are directed to allowable subject matter. Claim 8 has been rewritten in independent form, with certain additional changes that are not believed to affect the patentability of that claim. Accordingly, Claim 8 is believed to be allowable. Claims 12 and 14 have been amended in response to the Examiner's objection for informalities, again with certain additional changes that are not believed to affect the patentability of those claims. Accordingly, Claims 12 and 14 are believed to be allowable.

Claims 1-11 and 13 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,073,840 ("Marion") in view of U.S. Patent No. 6,331,972 ("Harris").

Marion relates to a fuel dispensing system that allows payment using a prepaid transponder device. The transponder communicates with an interrogator installed in a fuel dispenser or in a retail or food service facility to allow a customer to pay for purchases using stored value. The transponder is interrogated during the transaction to determine whether there is sufficient stored value, based on information stored on the transponder and/or in a centralized database (col. 18, line 50 - col. 19, line 53; Figs. 11D and 11E).

Generally speaking, Marion is concerned with allowing customers to make payment at a gas station, convenience store, or restaurant using a transponder provided specifically for that purpose. Marion does not envision a device that may be shared by a provider of credit services, e.g., a credit card issuer, and a service partner, e.g., a membership warehouse, in the manner claimed.

As acknowledged in the Office Action, Marion does not disclose a transaction device having a "database configured for storing a data set owned by a private label account provider," as recited in Claim 1. Marion merely discusses storing a transponder identification (ID) or an order placed by the customer (col. 12, line 6 - col. 13, line 27). Furthermore, Marion does not describe or suggest "receiving an application for said transaction device from a consumer; communicating credit application information extracted from said application to a provider of credit services; and communicating service partner information extracted from said application to a service partner," as further recited in Claim 1.

Harris relates to an electronic device that stores personal data and is capable of performing certain financial transactions. The device described in Harris purportedly can receive messages from other devices and transmit an identification code in response. In the portion cited by the Examiner (col. 20, line 23 - col. 26, line 32), Harris discusses performing a retail purchase by scanning a bar code on a product and relaying the product information and a bank account or credit card number to a banking facility to initiate a transfer of funds to the merchant's account (col. 23, lines 34-65).

However, nothing in this cited portion, or elsewhere in Harris, describes or suggests "receiving an application for said transaction device from a consumer;

communicating credit application information extracted from said application to a provider of credit services; and communicating service partner information extracted from said application to a service partner," as recited in Claim 1. Thus, Harris does not remedy the deficiencies of Marion with respect to these features.

Accordingly, Claim 1 is believed to be patentable over Marion and Harris, no matter how they hypothetically may be combined.

Claims 2-7 depend from independent Claim 1. Accordingly, Applicants assert that Claims 2-7 are differentiated from the cited references for at least the same reasons set forth above, as well as in view of their own respective features.

As noted above Claims 10 and 13 were also rejected under 35 U.S.C. § 103(a) as being obvious over Marion in view of Harris.

Marion does not describe or suggest a device having "a first data storage area configured to store said private label account identifier, said private label account identifier associated with a private label data set owner and said first data storage area configured to store said private label account identifier in a first format; and a second data storage area configured to store a second account identifier, associated with a second owner, in a second format different from said first format," as recited in Claims 10 and 13. To the contrary, as discussed above, Marion does not even suggest the storage of private label account provider-owned data.

Harris merely discusses the storage of personal data on an electronic device for use in performing merchant transactions. Nothing in Harris remedies the deficiencies of Marion with respect to the features of Claims 10 and 13.

Accordingly, Claims 10 and 13 are believed to be patentable over Marion and Harris, no matter how these references hypothetically may be combined.

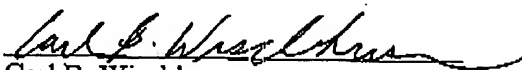
Claim 11 depends from independent Claim 10. Accordingly, Applicants assert that Claim 11 is differentiated from the cited references for at least the same reasons set forth above, as well as in view of its own respective features.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

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